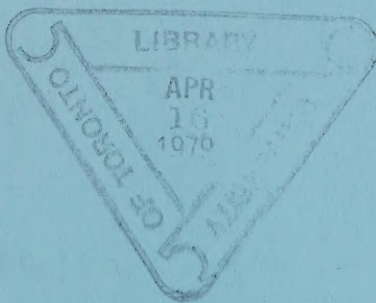


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MINISTRY OF INTERGOVERNMENTAL AFFAIRS

LOCAL GOVERNMENT DIVISION

BULLETIN NO. 17

COUNCIL COMMITTEES



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Minister


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These bulletins are intended to be made
available to municipal councillors and
senior municipal staff.

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INTRODUCTION

Raise the word "committee" in any discussion about municipal government and you will probably find yourself in a debate. Committees have been described as both "where the real work is done" and "a complete waste of time".

There are 837 municipalities in Ontario, and you would probably be safe in saying there are also 837 different uses of the committee system. In some places nearly all of the council's business is performed at the committee level, with council acting as a "rubber stamp". In other places council sessions continue for hours, going over again all the material that was discussed in detail at committee. A few municipalities have eliminated the use of committees in all but very special circumstances.

This bulletin looks at the usefulness of committees, the various kinds of committee, the interaction between committees and between a committee and council, and the role of the committee chairman. It is not intended as a model for the establishment or functioning of committees, but as an aid in understanding the concepts that underlie these important elements of the overall municipal system.

This bulletin looks only at those committees that are "arms" of the council, not at those bodies given independent powers by statute such as committees of adjustment or land-division committees.

WHAT IS A COMMITTEE?

A committee is simply a group of people selected by an organization to carry out or oversee a specific function. In municipal government this translates into council selecting from its members (and sometimes from outside sources) people who will give advice on a specific part of council's business.

It is important to note that the word "committee" appears infrequently within the statutes. There is no specific authority to create committees within local government. With no real basis in the statutes, committees can have no real authority either. In fact, the courts have ruled several times that municipal councils cannot turn over authority to committees. The responsibility for local-government decisions and actions rests with the whole council, not a committee of it.

But even if committees have no statutory basis and cannot be given any real authority, everyone knows they exist and that they perform an important function.

What is this function? It is quite simply to make recommendations to council and to see to the carrying out of decisions made by council. If a matter is referred to a committee for its consideration, then a thorough examination of all aspects of the matter is expected. Matters sent by council for the committee's recommendation are expected to come back with a strong recommendation. If council wants action on something, the committee is expected to deliver a sound plan of attack. Many matters, of course, will be referred to a committee just for information.

One of the problems in understanding committees and their operation is that they have much the same role as staff members and sometimes the work of committees and the work of staff members can be overlapping. If the overlap becomes serious it is probably time to look at either the role of the committee or the job of the staff member, or both.

ARE COMMITTEES USEFUL?

On The One Hand...

Most people would agree that the fewer people involved in discussion of a problem the quicker a solution will be found. This is often cited as the major advantage of the committee system in local government.

Committees can sift through much of the detail that could bog down a regular council meeting. Because of their continuing acquaintance with all the aspects of the work in which the committee is involved, members should be able to develop a better knowledge of the intricacies of the problems and have a better appreciation of the impact of policy recommendations on administration.

Because members are expected to become knowledgeable in the field in which the committee is involved, and because most municipalities have a number of committees, each could be involved with a concurrent in-depth study of a particular question.

Committees can also provide a constructive outlet for interested members of the public. Residents who are knowledgeable, or even just concerned, about specific issues can add insight to the deliberations of committees.

There are many other advantages, including the less formal procedures in committee that allow for freer debate and greater participation by the staff members or members of the general public who might be involved.

...But On The Other...

Perhaps the most common complaint about the committee system is that it can slow down the process of government. An issue can be "killed" by simply referring it back and forth to committees. Some have suggested that committees fracture the decision-making process in that they make their examinations and recommendations without consulting other committees that might have an involvement.

A third complaint is that councils rarely overturn the decisions of committees. This could suggest that the policy adopted by council is created by a small group, not the entire council.

If there are too many committees, or if the jurisdictions are not clear, there could well be two or three groups looking at the same issue. Without some type of co-ordination, this could lead to a severe fragmentation of the municipal government.

TYPES OF COMMITTEES

There are three basic types of committees in local government:

Standing

The purpose of a standing committee is to deal with aspects of one or more of a municipality's functions. Though the names and terms of reference of standing committees will vary from municipality to municipality, they usually coincide with the municipality's departmental structure. Examples would include the finance, planning, or public-works committees.

Standing committees are established at the beginning of each term. In practice, however, standing committees from one term tend to be carried over into the following term. Very few municipalities go through the process of re-establishing their standing committees each term unless there is to be a change in the make-up, structure, number or terms of reference of the committees. Standing committees are generally composed of at least three members of the council. In larger municipalities there may be five or more members. There is no formula for the number of members on a standing committee but the practice is for committees to be composed of an odd number of members and for the membership to be less than half the membership of the whole council.

Special

As the name denotes, these committees tend not to continue from term to term but to be designated to deal with a specific issue or problem and to go out of existence when that matter is concluded. Membership on a special committee tends to be less than on standing committees. If council selects even one of its members to report on a specific item, this could be considered to be a special committee. A committee to report on council remuneration, or to investigate data-processing equipment, would be a special committee.

Executive Committee

While this type of committee is, by definition, a standing committee, it is usually seen as being different from the regular standing committee. Many people see the executive committee as a sort of municipal "cabinet". It is always considered the most "powerful" committee of council.

To a large extent, the executive committee is given the responsibilities that would have belonged to a board of control. A board of control can exist only in large municipalities and the number of boards has been decreasing recently. Members of a board of control are directly elected to the board, while members of an executive committee are selected by council.

Like the board, the executive committee is generally in charge of the annual budget. In most cases, anything to do with municipal finances must be referred to the executive committee. The committee also usually has charge of the general administration of the municipality.

In some municipalities the executive committee is required by the statute that establishes that specific municipality. In these cases the number on the executive committee is spelled out within the statute.

In some municipalities, particularly smaller ones, the finance committee performs the same sort of duties as the executive committee, and is composed of the chairmen of the various "spending" committees of council - works, fire, roads, social services, etc.

COMMITTEE OF THE WHOLE

The committee of the whole is not really a committee, in the true sense, but a procedure of council. There are probably more variations in the use of this "committee" than in any other element of local government. The committee of the whole, of course, is composed of all members of council and was originally intended as a "closed" meeting of the council where touchy issues like personnel or real-estate transactions could be debated.

Over the years the use of this committee has been vastly altered in many municipalities. In some places it is customary to form a committee of the whole for second reading of by-laws. This can be a dangerous procedure since readings of by-laws are meant to be held in open council, not committee.

Some municipalities have "opened" their committee-of-the-whole meetings. Sometimes the regular meeting of council will be held every second week, with the committee-of-the-whole meeting in the weeks between. This procedure is touted as a method of allowing public debate on matters that come before council, giving councillors an opportunity to test the acceptability of programs and policies, and providing a "cooling off" period from the time a measure is introduced till it is finally resolved by council. This "open" meeting of the committee of the whole is most often found within municipalities that have abolished or severely reduced the use of standing committees, and usually in places that have a chief administrative officer.

It is important to remember that the committee-of-the-whole meeting is not the same as a regular meeting, and that any decision reached in committee is not a formal decision of the council until it has been adopted at a subsequent regular meeting of the council.

The standard procedure for forming a committee of the whole is for council to pass a resolution near the end of its regular meeting. The resolution often says "that council now rise and form a committee of the whole". The head of council traditionally leaves the chair and another member of council chairs the session. If the meeting is "closed", council can determine which staff members or other interested parties can remain in the room. When the issues have been discussed another motion

ends the committee session and automatically starts the regular council session again. The committee then reports its activities and the report becomes part of the council minutes. Any decisions reached in committee must be ratified by the "open" council session.

COMMITTEE ORGANIZATION AND OPERATION

How Are Committees Established?

The proper method of establishing a committee is by by-law. In most municipalities this is incorporated in the procedure by-law that names the committees, states the numbers of members on each and sets out the terms of reference. Since the committees are established by by-law, any changes such as name, terms of reference, size, would require an amending by-law.

It is possible to establish committees by resolution, but this course should be reserved for special committees and the resolution should set out the time period during which the committee will function, as well as its name, membership and terms of reference.

How Are Members Appointed?

There are no rules for making appointments to the various committees within local government. The committees can be composed of members of council only, a combination of councillors and interested citizens, or even just interested members of the general community with no council members, although the head of council is usually an ex officio member of all committees, and has full voting rights.

The actual method of appointment will also vary from municipality to municipality. In some cases all committee members are selected by the head of council. In other places, individuals will nominate themselves at an early meeting of the council - likely a committee-of-the-whole session or a "caucus" before the first council meeting of a term. Some municipalities have nominating or "striking" committees that bring in recommended slates.

The process of selecting the committee chairman is also varied. Where the head of council names the committee membership he will also usually name the chairman. Where councils vote on nominees for the committee it is often the practice for the councillor with the greatest number of votes to become the chairman. In other places, the chairman will be selected by the committee at its first meeting.

In some municipalities the committee system has grown to the point where there are as many committees as council members, and everyone becomes the chairman of a committee.

Who decides which method of appointing people to committees should be used? Quite simply, the council does, because the committees are arms of the council.

The Committee Chairman

No group can function properly without good leadership, and no leader can survive without the support of the group. These maxims are totally applicable to the chairman of a municipal-government committee.

The prime duty of the chairman, of course, is to ensure that the work of the committee proceeds. In this he will need either a formal procedure by-law or at least general agreement on rules of order.¹

With rules of order in place, the chairman must make sure that they are upheld, and at the same time allow for the free and open discussion that is associated with committee work².

Beyond chairing the meetings and providing leadership to the committee, the chairman also reports the committee's activities to council and acts as a ready liaison with the staff. The chairman must always remember that it is the committee that makes recommendations, not him alone, and that the staff members with whom he is communicating are bound first to the council as a whole and then to the committee.

The chairman must remember that his committee is looking at only part of the municipal business, and that other committees are looking at other parts. It is incumbent on him to be certain that the other committees and appropriate staff members are aware of matters being discussed. The chairman must be able to "feel the pulse" of his committee, have a good working relationship with the staff members most directly connected with the work of his committee.

¹ See Bulletin #11 in this series: Procedure By-law

² See Bulletin #4 in this series: Council Agenda and Minutes, Committee Agenda and Reports.

It is important for a committee chairman, then, that he and the committee members share a mutual respect, that council respect the "authority" of the committee, and that the committee have a solid working relationship with staff members.

CONCLUSION

A committee is only part of the overall system of government within a municipality. The role played by the committee will depend as much on the performance of the individuals who sit on it as the procedures laid down in the system.

Even without any real authority, committee members recognize that they are considered "responsible" for the matters that fall within their terms of reference. Acceptance of this responsibility is the key to the success of any committee.

FURTHER READING

For a more detailed examination of issues covered in this bulletin, see:

Rogers, Ian MacF. "The Law of Canadian Municipal Corporations". The Carswell Co. Ltd., Toronto, 1971.

- Chapter VI discusses the municipal council, and section 51 of this chapter examines the legal issue of delegation of responsibility to a committee, as well as the lack of authority of a committee to bind the council.

Plunkett, T.J. "Municipal Organization in Canada". Published by The Canadian Federation of Mayors and Municipalities, Montreal, 1955.

- Chapter II contains an examination of the function of local-government committees, and defects of the committee system.

Crawford, K.G. "Canadian Municipal Government". University of Toronto Press, Toronto, 1954.

- Chapter V includes an examination of the scope and organization of committees. The role of committee chairman is discussed in chapter VIII.

Bourinot, J.G. "Bourinot's Rules of Order". McClelland & Stewart Ltd., Toronto, 1972.

- While primarily associated with parliamentary procedures, the many references to committees and committee procedures are applicable to local government. (see also Robert's Rules of Order, A.M. Robert, Pyramid Communications Inc., New York, 1975.)

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